

## PATENT COOPERATION EATY

### From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

To:

SIKS & CO. 8th Floor, Kyobashi-Nisshoku Bldg., 8-7, Kyobashi 1-chome Chuo-ku, Tokyo 104-0031 JAPON

Date of mailing (day/month/year) 10 March 2005 (10.03.2005)		
Applicant's or agent's file reference A31562M	IMPORTANT NOTIFICATION	
International application No. PCT/JP2003/012502	International filing date (day/month/year) 30 September 2003 (30.09.2003)	
Applicant	NOF CORPORATION et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

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## PATENT COOPERATION TREATY



# **PCT**

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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INTERNATI	ONAL PRELIMINARY	EXAMINA	ATION REPORT
, INTERCORP	(PCT Article 36 an		
			1 Dulining
Applicant's or agent's file reference A31562M	FOR FURTHER ACTION	Examination	tionofTransmittalofInternational Preliminary n Report (Form PCT/IPEA/416)
International application No. PCT/JP2003/012502	International filing date (day 30 September 2003 (3	v/month/year) 0.09.2003)	Priority date (day/month/year) 30 September 2002 (30.09.2002)
International Patent Classification (IPC) or C08F 8/40, A61K 9/27, 47/32,	A61P 35/00, A61K 45/00, 7	1/00	
Applicant	NOF CORPORA	MOITA	
amended and are the basic 70.16 and Section 607 of These annexes consist of  3. This report contains indications  I Basis of the rep	the Administrative Instructions a total of she	ets.	ption, claims and/or drawings which have b fications made before this Authority (see F ').
IV Lack of unity of Reasoned state citations and e	of invention  ement under Article 35(2) with explanations supporting such sta ments cited	regard to novel	ve step and industrial applicability  ity, inventive step or industrial applicability;
VII Certain defect	ts in the international application vations on the international app	olication	
		Date of compl	letion of this report
Date of submission of the demand 30 September 2003	3 (30.09.2003)		letion of this report  19 December 2003 (19.12.2003)
· ·			19 December 2003 (19.12.2003)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

## PCT/JP2003/012502

I	Basis	of the repo	rt				
1	1. With regard to the elements of the international application:*						
	$\boxtimes$	the internal	tional application as originally filed				
		the descrip	otion:				
	•	pages	, as originally filed				
		pages	, filed with the demand				
		pages	, filed with the letter of				
		the claims:					
		pages	, as originally filed				
		pages	, as amended (together with any statement under Article 19				
		pages	, filed with the demand				
		pages	, filed with the letter of				
		the drawing					
		pages					
		pages	, as originally filed				
		pages	, filed with the demand				
	$\overline{}$						
		-	listing part of the description:				
		pages	, as originally filed				
		pages	, filed with the demand				
		pages	, filed with the letter of				
2.	the 11	iternational a e elements w	e language, all the elements marked above were available or furnished to this Authority in the language in which application was filed, unless otherwise indicated under this item.  ere available or furnished to this Authority in the following language which is:				
	H		ge of a translation furnished for the purposes of international search (under Rule 23.1(b)).				
	H		ge of publication of the international application (under Rule 48.3(b)).				
		or 55.3).	ge of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/				
3.	With	regard to minary exami	any nucleotide and/or amino acid sequence disclosed in the international application, the international ination was carried out on the basis of the sequence listing:				
	$\square$		n the international application in written form.				
		filed togeth	ner with the international application in computer readable form.				
		furnished so	ubsequently to this Authority in written form.				
	$\square$		ubsequently to this Authority in computer readable form.				
		The statem internations	nent that the subsequently furnished written sequence listing does not go beyond the disclosure in the al application as filed has been furnished.				
		The statem been furnish	ent that the information recorded in computer readable form is identical to the written sequence listing has hed.				
4.		The amends	ments have resulted in the cancellation of:				
		the d	description, pages				
			claims, Nos				
			drawings, sheets/fig				
5.		This report h	has been established as if (some of) the amendments had not been made, since they have been considered to go disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**				
	Repla in thi and 7	s report as	ts which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16				
		•	heet containing such amendments must be referred to under item 1 and annexed to this report.				



International application No.

PCT/JP03/12502

atement			
Novelty (N)	Claims	1-11	YE
	Claims		NO.
Inventive step (IS)	Claims	1-11	YE
	Claims		NO.
Industrial applicability (IA)	Claims	1-11	_ YE
	Claims		

2. Citations and explanations

Document 1: WO, 99/09955, A1 (ASTON UNIVERSITY), 04 March 1999 (03.03.99), claims & JP, 2001-513544, A, claims & EP, 1007002, A1 & US, 6436905, B1

Document 2: WO, 00/33817, A1 (PHARES PHARMACEUTICAL RESEARCH N.V.), 15 June 2000 (15.06.00), claims & JP, 2002-532389, A, claims & EP, 1137402, A1

Document 3: JP, 7-268038, A (NOF CORPORATION), 17 October 1995 (17.10.95), claims (Family: none)

Document 4: WO, 01/74400, A1 (SANTEN PHARMACEUTICAL CO., LTD.), 11 October 2001 (11.10.01), claims, page 14 & JP, 2002-326962, A, claims, [0038] & EP, 1279406, A1 & US, 2003/0144247, A1

### Claim 1

The subject matter of claim 1 is novel and involves an inventive step.

Documents 1-3 cited in the ISR describe a polymer bonded with a phospholipid, and describe an examine in which that polymer is a maleic acid polymer, and in document 4 cited in the ISR the same phospholipids as the phospholipids represented by theformula (4) described in claim 10 is bonded to polyethyleneglycol. But the point about "structural units (A) represented by the formula (1)," "structural units (B) represented by the formula (2A) and/or (2B)," and "structural units (C) represented by the formula (3)" described in claim 1 of the invention being "mandatory structural units" is not described in any of the documents cited in the ISR and is non-obvious to a person skilled in the art.

### Claims 2-10

The subject matter of claims 2-10 is novel and involves an inventive step.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/12502

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V:

The inventions of claims 2-10 are ones that limit the invention relating to claim 1. The point about "structural units (A) represented by the formula (1)," "structural units (B) represented by the formula (2A) and/or (2B)," and "structural units (C) represented by the formula (3)" being "mandatory structural units" is not described in any of the documents cited in the ISR and is non-obvious to a person skilled in the art.

Claim 11

The subject matter of claim 11 is novel and involves an inventive step.

The point of the invention of claim 11, reacting a compound represented by the formula (4) with a copolymer that includes "structural units A and structural units B," is not described in any of the documents cited in the ISR and is non-obvious to a person skilled in the art.



#### 特許協力条約

РСТ

#### 国際予備審査報告

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

出願人又は代理人 の書類記号 A31562M	今後の手続きについては、国際予備審査報告の送付通知(様式PCT/   IPEA/416)を参照すること。					
国際出願番号 PCT/JP03/12502	国際出願日 (日.月.年) 3	0. 09. 03	優先日 (日.月.年) 3	0. 09. 02		
国際特許分類 (IPC) Int. Cl' C08F8/40, A61K9/27, A61K47/32, A61P35/00, A61K45/00, A61K7/00						
出願人(氏名又は名称) 日本油脂株式会社						
1. 国際予備審査機関が作成したこの目	国際予備審査報告をお	施行規則第57条(P	CT36条)の規定(	に従い送付する。		
2. この国際予備審査報告は、この表紙	氏を含めて全部で	4^-~~~	ジからなる。			
3. この国際予備審査報告は、次の内容	<b>ぶた含む。</b>					
I X 国際予備審査報告の基礎						
Ⅱ □ 優先権						
Ⅲ □ 新規性、進歩性又は産業	III					
IV						
<ul><li>V X PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明</li><li>Ⅵ</li></ul>						
VII 国際出願の不備						
VII 国際出願に対する意見						
国際予備審査の請求啓を受理した日 30.09.03		国際予備審査報告を	作成した日 19.12.0	3		

特許庁審査官(権限のある職員)

佐藤 邦彦

電話番号 03-3581-1101 内線

8 2 1 5

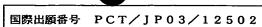
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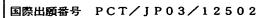
日本国特許庁 (IPEA/JP) 郵便番号100-8915

名称及びあて先





Ι.	国際予備	<b>審查報告</b>	の基礎				
1.	1. この国際予備審査報告は下記の出願書類に基づいて作成された。 (法第6条 (PCT14条) の規定に基づく命令に 応答するために提出された差し替え用紙は、この報告書において「出願時」とし、本報告書には添付しない。 PCT規則70.16,70.17)						
[	X 出願	寺の国際出	順書類				
(	明細報 明細報 明細報	第第		ページ、 ページ、 ページ、	出願時に提出されたもの 国際予備審査の請求書る		
[				項、 項、 項、 	出願時に提出されたもの PCT19条の規定に基 国際予備審査の請求書も	甚づき補正されたもの	
	回図面 図面	第第		ページ/図、 ページ/図、 ページ/図、			
	明細書	の配列表	の部分 第 の部分 第 の部分 第	ページ、 ページ、 ページ、	出願時に提出されたもの 国際予備審査の請求書と		
2.	上記の書	<b>碁類は、下</b>	「記の言語である _	語であ	•		
	P	CT規則4	18.3(b)にいう国際		う翻訳文の言語 は55.3にいう翻訳文の言	語	
3.	この国際	発出願は、	ヌクレオチド又は	アミノ酸配列を含んで	おり、次の配列表に基づき	き国際予備審査報告を行った。	
□ この国際出願に含まれる書面による配列表 □ この国際出願と共に提出された磁気ディスクによる配列表 □ 出願後に、この国際予備審査(または調査)機関に提出された書面による配列表 □ 出願後に、この国際予備審査(または調査)機関に提出された磁気ディスクによる配列表 □ 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった □ 書面による配列表に記載した配列と磁気ディスクによる配列表に記録した配列が同一である旨の陳述書の提出があった。							
4.       		第二分範囲 第二分範囲 第二分範囲 第二分	の事類が削除され ; ; ]面の第	ページ 項	ジ/図		
5.[	_ れるの	つで、その	補正がされなかっ		(PCT規則70.2(c)	適囲を越えてされたものと認めら この補正を含む差し替え用紙は上	



V. 新規性、進歩性又は産業上の利用可能性につい 文献及び説明	ての法第12条 (PCT35条(2)) に定める見解、それを裏	付ける
1. 見解		
新規性(N)	請求の範囲 <u>1-11</u> 請求の範囲 <u>.</u>	有 無
進歩性(IS)	請求の範囲 <u>1-11</u> 請求の範囲 <u></u>	有 無
産業上の利用可能性(IA)	請求の範囲 <u>1-11</u> 請求の範囲	有 無
2. 文献及び説明 (PCT規則70.7)		
文献1:WO 99/09955 1999.03.04、特 & JP 2001-5 & EP 100700 & US 643690	午請求の範囲 1 3 5 4 4 - A、特許請求の範囲 2 - A 1	
2000.06.15、特	32389 A、特許請求の節囲	)
文献3: JP 7-268038 1995. 10. 17、特 (ファミリーなし)		
2001.10.11、特	26962 A、特許請求の範囲、【003日 3 A1	8]
載されており、その高分子としてマ 国際調査報告で引用された文献4に れるリン脂質と同一のリン脂質がポ 1に係る発明の「式(1)で表され される構成単位B」「式(3)で表	- 3には、リン脂質と結合した高分子についてイン酸ポリマーの例も記載されており、また、請求項10に記載されている式(4)でありエチレングリコールに結合しているが、請な構成単位A」「式(2A)及び/(2B)である構成単位C」「を必須構成単位としてでいずれの文献にも記載されておらず、当業を	たまな項表で含



補充欄 (いずれかの欄の大きさが足りない場合に使用すること)

#### 第 **Ⅴ 欄の続き**

請求項2-10に係る発明は、請求項1に係る発明を限定したものであり、「式(1)で表される構成単位A」「式(2A)及び/(2B)で表される構成単位B」「式(3)で表される構成単位C」「を必須構成単位としてをむ」点が、国際調査報 告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なことでも ない。

(請求項11について)

請求項11に係る発明は、新規性、進歩性を有する。 請求項11に係る発明の「構成単位Aと構成単位B」を含む共重合体に対して式 (4)で表される化合物を反応させる点が、国際調査報告で引用されたいずれの文献 にも記載されておらず、当業者にとって自明なことでもない。